

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 375 OF 2007
IN
CRIMINAL APPEAL NO. 92 OF 2007**

Mr. Nitin Kisan Ingale ... Applicant

V/s
The State of Maharashtra ... Respondent

Mr. Arun B. Varma for the applicant.

Ms. R. M. Gadhvi, A.P.P. for the respondent State.

**CORAM: D. G. DESHPANDE &
SMT. NISHITA MHATRE, JJ.**

DATED: 18TH APRIL, 2007.

P.C.:

1. Heard advocate for the accused and the learned A.P.P. for the State.

2. The accused has been convicted by the trial Court for offence under Section 302 of the Indian Penal Code for committing the murder of a girl of about 1 year and 6 months. The accused was living with the complainant PW-2. The victim girl was the daughter of the complainant and according to the complainant, on the fateful day, the accused came from his night duty. He was sleeping. The girl was weeping as she was not well. When the complainant had gone out of the house and came back, the girl was strangulated by a rope which was tied

around her neck. The girl was taken to the Bhagwati Hospital where she was declared dead.

2. It was contended by the advocate for the accused that, in the first statement the complainant did not implicate the accused and has completely exonerated him and the second statement given by the complainant is nothing but an improvement and contradictory with the first statement. We are not in agreement with the advocate for the accused in this regard. In the second statement, the complainant has stated that when the girl was being taken to the hospital, the accused was carrying with him the rope which was tied around the neck of the girl and he kept that rope in his pocket. There is a recovery of the rope from another place. The doctor who has conducted autopsy was shown the rope and he opined that the ligature marks could be caused by the said rope. When the girl was strangled no other person was in the house except the accused and according to the complainant, earlier also this accused had tortured the girl by scorching her giving burns by cigarette and twisting her hands.

3. Application rejected.

(D.G. DESHPANDE, J.)

(SMT. NISHITA MHATRE, J.)